**REMARKS**

Claims 1-2 and 4-20 are currently pending in the patent application. The Examiner has rejected Claims 1, 4-10, 11, 13 and 16-18 under 35 USC 103 as unpatentable over the teachings of Yuasa in view of Alterman; and, Claims 2, 12, 14-15 and 19-20 under 35 USC 103 as being unpatentable over the teachings of Yuasa in view of Alterman and further in view of Aimoto. Applicants herein submit amendments to the claims, including removal of reference numerals from the claims, and changes to the dependencies of claims so that no multiple dependent claims depend from other multiple dependent claims. For the reasons set forth below, Applicants respectfully assert that all of the pending claims as amended are patentable over the cited prior art.

The present application teaches and claims a system and method for providing switching in Ethernet networks. In accordance with the invention, a switch in the network dynamically assigns hosts to logical groups of hosts for a requested session, such that the hosts participating in the data communication session are assigned to the same group. The switch then associates each group with a service class

indicative of requirements for forwarding data across the switch for data communications between hosts of the group during the session. The switch forwards received data across the switch in a manner dependent on the service class of the group. During operation, the switch also monitors traffic congestion and, if required based on the traffic congestion, the switch disables communications between hosts of at least one of the groups in order to satisfy the forwarding requirements for at least one service class. The language of independent claims 1, 17 and 19 expressly recites that the switch dynamically performs group assignment, associates each group with a service class, forwards communications in a manner dependent on the service class, and disables communications as needed to satisfy the requirements of at least one service class.

Applicants respectfully assert that the Yuasa patent does not teach the invention as claims, alone or in combination with the teachings of Alterman.

The Yuasa patent teaches a virtual LAN system wherein virtual groups are formed based on elements having physical or logical attributes in common. Traffic is then allocated in traffic bands to the groups. Yuasa teaches a static assignment of entities to virtual groups, which assignment

is done by integrated network service equipment at a center node (see: Col. 13, lines 61-62, Col. 14, lines 18-23), and the assignment is automatically updated if there are physical changes to the network. The virtual group assignment information is distributed throughout the network so that network components (e.g., LAN switches) maintain virtual group routing tables (e.g., Cool. 20, lines 13-14). As earlier argued, the Yuasa assignment is status for the life of a given network configuration.

Applicants respectfully assert that the invention is not obviated by the combination of Yuasa and Alterman. The independent claims expressly recite dynamic assignment of hosts to groups for a requested communication session. Yuasa expressly teaches static assignment of virtual LANs based on common physical attributes or common logical attributes. The Examiner has acknowledged that Yuasa does not teach dynamic group assignment in response to a session request. The Examiner has cited Alterman for disclosing "dynamic grouping of stations based on a connection request" citing Col. 4, lines 56-62. What the Alterman patent teaches is that an originator of a radio communication selects group call members and transmits a dynamic group call message to all selected members (see: e.g., Fig. 2 and

Col. 4, lines 33-60). Once each of the selected members acknowledges receipt of the group call message, the selected members and the group call originator all switch to a group call number send by the originator.

Applicants respectfully assert that one having skill in the art would not be motivated by the teachings of Alterman to modify the Yuasa patent system. Moreover, even if one were to modify Yuasa with Alterman, one would not arrive at the invention as claimed.

First, since Yuasa expressly teaches the static assignment of groups based on common physical attributes or common logical attributes, it would not be logical to take the groups with common attributes and change the grouping simply because one member of the group wants to communicate with selected other members of that or another group. Static groupings by common physical or logical attributes would not logically be altered using the Alterman teachings of grouping radios according to one user's desire to communicate. Such re-grouping might result in Yuasa components being grouped with other components that do not share physical or logical attributes, which would render Yuasa unworkable for its intended usage. Clearly,

therefore, such a combination would not be suggested to one having skill in the art by a reading of the two patents.

Moreover, Applicants respectfully assert that, even if one were to modify Yuasa with Alterman, one would not arrive at the invention as claimed. Alterman provides that the call originator selects the radios for a group call, the call originator contacts all selected radios, the selected radios respond to the contact, and then the selected radios switch to the group call number. What Alterman is teaching is not re-grouping, but re-routing of a call to a group call number. Under Alterman, there is not any automatic grouping or automatic switching of communications. Rather, the call originator creates the group by selecting radios and sending messages to the selected radios. Further, each selected radio must then switch to the group call number. Communications are not automatically forwarded among group members under Alterman. Clearly, therefore, Alterman is not providing those teachings which are missing from Yuasa, specifically a step and means for dynamically assigning a group based on a session request.

The Examiner has cited the teachings found in Col. 8, lines 64-65 and at Col. 19, lines 19-24 of Yuasa as teaching that "groups are divided up and assigned priority based on

the type of communication taking place among members of the group". Applicants respectfully contend that the groups are not assigned based on the type of communication. As expressly taught by Yuasa, the groups are assigned based on common physical attributes and/or common logical attributes. While the Col. 19 teachings indicate that communications priorities may be influenced based on the type of communications, it is clear that the grouping of entities is not affected by the type of communications under Yuasa.

Applicants further assert that Yuasa, alone or in combination with Alterman, does not teach the other claim features of the independent claims, specifically that the switch, after performing dynamic group assignment, associates each group with a service class for that session, forwards communications in a manner dependent on the service class, and disables communications as needed to satisfy the requirements of at least one service class. With regard to associating a group with a service class for the session, all that the cited Yuasa teachings provide is that higher priority communications are sent preferentially over lower priority communications. Yuasa does not teach or suggest assigning a service class to a group for a session. Further Yuasa provides no teachings related to forwarding

communications in a manner dependent on a service class or of disabling communications to satisfy service requirements of a group. Yuasa also does not teach or suggest monitoring traffic congestion, wherein the disabling of selected communications is based on the traffic congestion and the service class requirements associated with a group.

Applicants respectfully assert that the Examiner has not established a *prima facie* case of obviousness against the pending claims. Since neither Yuasa nor Alterman teaches or suggests dynamic assigning of hosts to a logical group in response to a session request, it cannot be concluded that the combination of teachings obviate the invention as claimed. Further, the additionally recited claims limitations are not taught or suggested by the references.

The Examiner has additionally cited the teachings of the Aimoto patent in rejecting Claims 2, 12, 14-15 and 19-20. The Aimoto patent has been cited for its teachings related to treatment of cells of a traffic class that does not have any special contract for transfer rates. According to Aimoto, if no special contract exists, cells or packets can be selectively discarded to relieve traffic congestion. Aimoto makes a "discard" determination based on whether

there is a contract for delivery of the cells/packets. Aimoto does not make a "discard" determination based on a service class guaranteed to a group. Since neither Yuasa nor Aimoto teaches associating a service class to a group and handling communications based on that assigned service class, it cannot be maintained that the combination obviates the invention as claimed.

Based on the foregoing amendments and remarks, Applicants request entry of the amendments, reconsideration of the rejections, and issuance of the claims.

Respectfully submitted,

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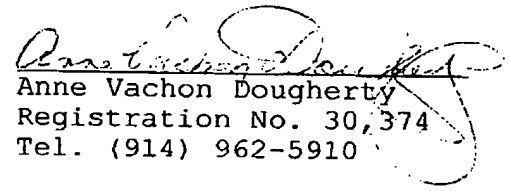
By: 

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